

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
COLUMBUS DIVISION**

<b>UNITED STATES OF AMERICA</b>	:	
	:	
v.	:	Criminal Action No. 4:99-cr-27 (HL)
	:	
<b>TIMOTHY DESHAWN JONES,</b>	:	
	:	
Defendant.	:	

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**ORDER**

This matter is before the Court on the Motion for Appointment of Counsel, to Proceed In Forma Pauperis, and for Extension of Time (Doc. 54) of Defendant, Timothy Deshawn Jones. Jones has filed a Notice of Appeal from an Order (Doc. 50) entered October 16, 2006, in which the Court denied his request for production of grand jury transcripts.

Proceedings in forma pauperis are addressed at 28 U.S.C.A. § 1915(a), which authorizes the commencement of, among other things, an appeal without prepayment of fees. That code section further provides, however, that an appeal “may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” 28 U.S.C.A. § 1915(a)(3) (West Supp. 2006). Courts construing the “good faith” provision of § 1915(a)(3) have generally held that an appeal that is “not being pursued in good faith” is one that is frivolous. In re Arnold, No. 05-13743, 2006 WL 197333, \*1 (11<sup>th</sup> Cir. Jan. 26, 2006) (unpublished opinion). *See also Meadows v. Miller*, 855 F. Supp. 219, 221 (W.D. Tenn. 1994) (finding that an appeal “is not taken in good faith if the issue presented is frivolous”).

In this case, Defendant’s challenge is to the denial of his motion for production of grand

jury transcripts. The Court found that Defendant's motion, brought six years after his conviction, failed to meet the demanding standards required for production of grand jury transcripts under Federal Rule of Criminal Procedure 6(e)(3)(E). In this Court's view, the issue presented by Defendant's motion was frivolous and, therefore, an appeal from the denial of the motion is also frivolous and not taken in good faith. Accordingly, Defendant's Motion to Proceed In Forma Pauperis is denied.

Defendant's Motion also seeks appointment of counsel. Because Defendant's Motion presents no arguable issues of merit for appeal, his Motion for Appointment of Counsel is also denied.

Finally, Defendant has styled his Motion as one for appointment of counsel, to proceed in forma pauperis *and* for extension of time. However, after review of the Motion, the Court can discern no basis for his request for an extension of time. Accordingly, the Motion for Extension of Time is also denied.

**SO ORDERED**, this the 6<sup>th</sup> day of December, 2006.

**s/ Hugh Lawson**  
**HUGH LAWSON, JUDGE**

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